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Friday, February 20, 2015

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Re: Proposed Amendments for Statewide Bacteria Objectives

Heal the Ocean, a Santa Barbara-based citizens' action group committed to stopping sources of ocean pollution, appreciates this opportunity to offer input on the *Amendments to Water Quality Control Plans for Inland Surface Waters, Enclosed Bays and Estuaries and the Ocean Waters of California for Statewide Water Contact Recreation Bacteria Objectives* ("Statewide Bacteria Objectives"). In 1998, Heal the Ocean was formed by Santa Barbara citizens following outrage and protest over beach closures due to bacteria levels. This concern has propelled our work on a variety of successful beach water quality campaigns, including our award winning project – in conjunction with Carpinteria Sanitary District – to remove the septic systems from the Rincon community and its world famous surf break.

We have had an opportunity to review the State Water Resources Control Board's *Information Document* for the Statewide Bacteria Objectives' public scoping meeting held on January 28 and February 10, 2015 – which we participated in via webinar. While we realize that the State Water Board is officially soliciting public comments on the *scope* of the environmental analysis for the Statewide Bacteria Objectives, we learned during the webinar that staff has interest in receiving preliminary thoughts and concerns on the *merits* of the statewide bacteria objectives – with these thoughts and comments to be submitted prior to the scheduled summer release of the draft staff report.

In response to this request, Heal the Ocean has compiled a list – included below – of initial thoughts and questions regarding the proposed Amendments. While we will likely have additional concerns in the future as discussions on this issue progress, and after the draft staff report is released, this letter represents our first assessment and will guide our analysis as the Amendments to the Statewide Bacteria Objectives move forward.

Element 1: Bacteria Indicators

- Are there other studies – beyond those assessed by the United States Environmental Protection Agency for the 2012 Recreational Water Quality Criteria – that support the use of fecal coliform in marine waters as a public health indicator of GI illness?

- What is the California Department of Public Health’s rationale for utilizing *three* indicators – total coliform, fecal coliform, and enterococcus – for beach monitoring?
- Why would the State Water Board’s approach to water quality objectives for bacteria differ from CDPH’s regulations? Shouldn't statewide water quality objectives for bacteria remain synchronized with the regulations that most directly/immediately establish warnings for safe/unsafe swimming?

Element 2: Level of Public Health Protection for Illness Rate

- What studies or data exist to justify a more protective illness rate than 32 per 1,000 swimmers?

Element 3: Address Natural Sources of Bacteria Levels

- It would be difficult to provide support to this policy element without the ability to review the proposed guidance document – which presumably will be developed after the Statewide Bacteria Objectives are adopted. What level of detail will the staff report provide on this guidance document for reference system/antidegradation or natural source exclusion policies?
- “Guidance” implies that this document will only provide recommendations to the Regional Water Boards; however, the public scoping meeting *Information Document* is seemingly concerned with the lack of a “statewide *framework* [emphasis added]” for the “efficient and *consistent* [emphasis added] development” of reference system/natural source exclusion policies.¹ To what extent will Regional Water Boards be required to follow the elements of the guidance document?

Element 4: High Flow Suspension of Objectives for Fresh Waters

- Our concerns with staff’s preliminary recommendation is similar to those for Element 3 in that it is difficult to support this approach without being able to review the proposed guidance document. For instance, how would the guidance document define “high flow conditions”?
- Furthermore, staff’s preliminary recommendation would “allow” high flow suspensions by Regional Water Board’s but the Los Angeles Water Board already has such a policy in place. If the Regional Water Boards already have the authority to put a high flow suspension in place on a case-by-case basis, why is there a need for formal action to “allow” these policies?

Element 7: Mixing Zones for Point Sources

- We are concerned with setting up a statewide policy that would establish a statewide framework for mixing zones. What other “zones” – beyond deep water discharges – would the State Water Board include in this framework?

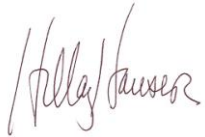
¹ State Water Resources Control Board. *Public Scoping Meeting Information Document*. January 2015, p. 6.

Element 11: Allow for a Variance, Seasonal Suspension or Limited REC 1

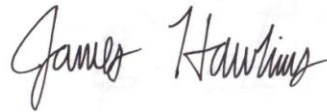
- We are concerned with how the specific conditions of this policy element would be implemented. How “limited” would the access to a water body have to be to qualify? What would the cap be on “very limited” flows and what kind of monitoring program would the policy require to measure flows?
- Furthermore, if the Regional Water Boards can already implement such a policy – as the Los Angeles Water Board example illustrates – what need is there for further action by the State Water Board?

We hope this letter can serve as the foundation for a productive dialogue with the State Water Board on this issue and we look forward to continuing our participation in this process as the Amendments to the Statewide Bacteria Objectives develop.

Sincerely,



Hillary Hauser, Executive Director



James Hawkins, Policy Analyst